

From: [Dan Gainer](#)
To: [Luna, Zolymar](#)
Cc: [Michael Miller](#); [Jorge J. García-Díaz](#); [Kushner, Adam M.](#); [Melvin Menendez \(PR JCA\)](#); [Leshak, Andrea](#)
Subject: RE: Proteco Site: Hello and a question
Date: Monday, May 03, 2021 9:19:28 AM

Greetings:

To phrase my question another way:

Was EPA aware that the site would need to comply with the requirements of a DNER vegetation clearing and cutting permit before your site visit on April 12?

or

Was the permit issue raised by EPA (or DNER) after the April 12 visit?

From what I can find, all the information on this potential requirement seems to have been verbal, so far.

If EPA did issue an email/letter to the Group about the permit, could you provide me a copy of the correspondence?

Thank you very much

Dan Gainer

From: Luna, Zolymar <Luna.Zolymar@epa.gov>
Sent: Friday, April 30, 2021 3:59 PM
To: Dan Gainer <dgainer@demaximis.com>
Cc: Michael Miller <m2@demaximis.com>; Jorge J. García-Díaz <Jjg@mcvpr.com>; Kushner, Adam M. <adam.kushner@hoganlovells.com>; Melvin Menendez (PR JCA) <melvinmenendez@jca.pr.gov>; Leshak, Andrea <leshak.andrea@epa.gov>
Subject: RE: Proteco Site: Hello and a question

**** WARNING EXTERNAL SENDER ****

Good Afternoon!

Mr. Gainer,

My apologies, but I don't follow your question. Please, clarify.

Regards,

Zolymar Luna

From: Dan Gainer <dgainer@demaximis.com>
Sent: Thursday, April 29, 2021 8:18 AM
To: Luna, Zolymar <Luna.Zolymar@epa.gov>

Cc: Michael Miller <m2@demaximis.com>; Jorge J. García-Díaz <Jig@mcvpr.com>; Kushner, Adam M. <adam.kushner@hoganlovells.com>; Melvin Menendez (PR JCA) <melvinmenendez@jca.pr.gov>
Subject: Re: Proteco Site: Hello and a question

Good Morning

Thank you for the quick response and the contact information.

May I ask when you first learned that a PR DNER permit might be required to cut the vegetation at the site and who provided you that information?

That knowledge would be most helpful to the Group.

Thank you for your assistance.

Best Regards

Dan Gainer
Project Coordinator
de maximis, inc.
865-621-9315

From: Luna, Zolymer <Luna.Zolymer@epa.gov>

Sent: Thursday, April 29, 2021 8:06 AM

To: Dan Gainer <dgainer@demaximis.com>

Cc: Michael Miller <m2@demaximis.com>; Jorge J. García-Díaz <Jig@mcvpr.com>; Kushner, Adam M. <adam.kushner@hoganlovells.com>; Melvin Menendez (PR JCA) <melvinmenendez@jca.pr.gov>

Subject: RE: Proteco Site: Hello and a question

**** WARNING EXTERNAL SENDER ****

Good Morning!

Mr. Gainer,

Thanks for reaching and sharing your contact information. I understand the concerns of the "Group", regarding the permits that may be required to complete the vegetation clearing/maintenance at the Site. Nonetheless, the Group should first contact DNRE's officials and request clarification on the matter. Below, please find DNRE's contact information. I'm cc'ing Andrea Leshak, Region 2 ORC, Amarilis Rodriguez, DRNE Superfund Project Manager, and Melvin Menendez, Chief Superfund and Emergency Response Area DRNE. If you are unable to contact Mr. Muriel, please let us know.

Mr. Reynaldo Muriel
Área de Manejo de Arboles
Tel. 787-999-2200 Ext.2811
rmuriel@drna.pr.gov

www.drna.pr.gov

If you or your staff have any additional questions or concerns on this matter, please let us know.

Regards,

Zolymar Luna Díaz
Environmental Engineer
US Environmental Protection Agency Region 2
Caribbean Environmental Protection Division
787.977.5844 | luna.zolymar@epa.gov

City View Plaza II Suite 7000
Road PR-165 KM 1.2
Guaynabo, PR 00968

From: Dan Gainer <dgainer@demaximis.com>

Sent: Wednesday, April 28, 2021 2:14 PM

To: Luna, Zolymar <Luna.Zolymar@epa.gov>

Cc: Michael Miller <m2@demaximis.com>; Jorge J. García-Díaz <jig@mcvpr.com>; Kushner, Adam M. <adam.kushner@hoganlovells.com>

Subject: Proteco Site: Hello and a question

Dear Ms. Luna

I wanted to say "Hello" and ensure you had my contact information.

I believe you received a letter from Mr. Adam Kushner explaining that de maximis has been selected to assist the Group in managing the Proteco Site and that I will be serving as the Project Coordinator. I would ask that EPA direct project communications to the Group through me or Mike Miller (email: M2@demaximis.com). Our company address and phone number are listed below.

The first task we are preparing for is the EPA Site Reconnaissance visit in June.

To prepare for this visit, the Group desires to cut/mow the vegetation over and surrounding the different units at the site.

We also need to perform survey work at the site prior to your visit which also requires vegetation clearing.

We are in the process of preparing a brief vegetation clearing plan for this work.

We were informed that Puerto Rico DNER requires the Group to submit a "vegetation clearing permit" application for their approval prior to the Group being allowed to begin the vegetation cutting/mowing work at the site.

Our question is this:

Since Proteco is a Federal Superfund site, and if our site vegetation clearing plan meets the

substantive requirements of the DNER clearing permit, as the site RPM, can you approve the Group's vegetation clearing plan and issue the Group a letter stating the plan meets Puerto Rico and EPA requirements which would allow us to proceed with the vegetation clearing work?

The site clearing work needs to begin as soon as possible.

We are concerned that involving a non-federal agency and their permit approval process will potentially impede the Proteco project schedule by further delaying the vegetation cutting and subsequent survey work. Completing this work is very important leading up to the EPA Site Reconnaissance visit. We all need to clearly see unit locations and have those locations verified through a survey prior to the EPA June site visit.

Any guidance you can provide us regarding the vegetation clearing process and permit would be greatly appreciated.

Please contact me anytime if you need any additional information or have questions.

Thank you for your assistance.

Best Regards,

Dan Gainer, PG CSM
de maximis, inc.
450 Montbrook Road
Knoxville, TN 37920

Cell: 865-621-9315

Office: 865-691-5052

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